IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 6949 of 2003

HEM RAJ
V/S
STATE OF RAJ AND ORS

Mr. SP ARORA, for the appellant / petitioner

Mr. ND NIMBAWAT, for the respondent

Date of Order : 8.9.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

The matter comes up for consideration of stay petition. However, in view of the fact that vide order dated 19.1.2004, when the writ petition was admitted, specific contention of petitioner was noticed to the effect that, even according to Annex.5, in para no.7, it is contended by the objector that the petitioner can erect the soak-pit in the chowk measuring 15'x12' available in the lane in which he has no objection. In that back-ground, it was contended that from Annex.1, it is clear that petitioner desires to erect soak-pit in the chowk itself. Today, learned counsel for the respondent was shown Annex.5, objection submitted by private respondents, and after reading Annex.5, learned counsel for respondent, maintains that, if petitioner erect the soak-pit in the chowk measuring 15'x12' available in the Western side of lane, mentioned in that para, respondents have no objection, and since the petitioner is prepared to erect the soak-pit at that place, no controversy, any more, survives.

Accordingly, the impugned order is modified, and disposing of the writ petition, it is directed that petitioner will be free to erect the soak-pit in the chowk measuring 15'x12' available in the lane, as detailed in para no.7 of the objection petition (Annex.5).

(N P GUPTA),J.

/Srawat/